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Chairman: Mr. Ali. . . . . (Malaysia)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Ms. McLurg

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The meeting was called to order at 10.15 a.m.

Agenda item 133: Human resources management (*continued*) (A/61/30/Add.1, A/61/732 and A/61/861; A/62/7/Add.14 (Chap. II) and A/62/274)

1. **Ms. Bárcena** (Under-Secretary-General for Management), introducing the reports of the Secretary-General related to the streamlining of contractual arrangements (A/61/732 and A/62/274) and the harmonization of conditions of service (A/61/861), recalled that the 2005 World Summit had requested the Secretary-General to make proposals to the General Assembly on the conditions and measures necessary for him to carry out his managerial responsibilities effectively, including in the area of human resources. Those proposals were aimed at strengthening current and future human capital and better aligning the human resources framework with the needs of the Organization. They provided an integrated approach to human resources management in order to meet operational needs and preserve core values while ensuring consistency in the application of organizational standards, policies and procedures. The desired end result was to create an international civil service with the highest standards of performance and accountability; a workforce which was multi-skilled, versatile and mobile; and a culture of continuous learning, managerial excellence and respect for diversity.

2. The Secretariat needed to face the new realities of the present day. As a result of the growing demand for peacekeeping and other field operations, human resources structures must be adapted to attract and retain high-quality personnel and to provide predictable career development and adequate compensation to staff serving in hardship conditions.

3. The idea of streamlining contractual arrangements had been under discussion for several years and was an integral part of the proposal contained in the report entitled "Investing in people" (A/61/255 and Add.1 and Add.1/Corr.1). The current proposals in the Secretary-General's reports on the staffing of field missions (A/61/732) and the streamlining of contractual arrangements (A/62/274) aimed to introduce one set of Staff Rules with three types of contract duration: temporary, fixed-term and continuing. As requested by the General Assembly in its resolution 61/244, the Secretary-General had addressed the issues raised by the Advisory Committee in its report on human resources management (A/61/537), and had presented a detailed road map for implementing the proposal on contractual arrangements.

4. At its March 2007 session, the International Civil Service Commission (ICSC) had offered a general endorsement of the Secretary-General's proposals to create one United Nations staff contract and a core cadre of career civilian peacekeepers. As the observations made by the Commission had required additional staff consultations, the Staff-Management Coordination Committee had discussed them in 2007 and had made recommendations, which had been accepted by the Secretary-General and reflected in his report on contractual arrangements (A/62/274). Having considered that report in autumn 2007, the Advisory Committee had supported the streamlining of contractual arrangements in its own report (A/62/7/Add.14) and had further stressed that streamlining was critical for building an integrated Secretariat that met operational needs; promoting equity and transparency; making contractual arrangements more transparent and easier to administer; and strengthening the ability to recruit and retain staff, particularly in the field.

5. The harmonization of conditions of service was a related key element of the Secretary-General's human resources reform. The Secretary-General's report on that issue (A/61/861) responded to the General Assembly's request for a comprehensive account of his proposal to improve conditions of service in the field and addressed the observations of ICSC in that respect. The proposals for the harmonization of conditions of service included designating missions as family or non-family duty stations based on the security phase in effect; introducing, where appropriate, the special operations approach for non-family duty stations to replace the current "special" or "established" mission designation; and revising the scheme for rest breaks. The proposals were in line with ICSC recommendations and aimed to remedy the existing significant differences between the conditions of service of Secretariat staff in the field and the staff of funds and programmes in the same locations. The Advisory Committee, in its report (A/62/7/Add.14), had supported the proposals to designate missions as family or non-family duty stations and to replace the occasional recuperation break with paid rest and

recuperation travel. It had also recommended the elimination of mission-specific appointments.

6. Her introduction was accompanied by a presentation in which she provided an overview of the Secretary-General's proposals on human resources management reform. With regard to the Secretary-General's proposals for streamlined contractual arrangements, she recalled that a single set of Staff Rules had become necessary because the types of appointment currently available were difficult to administer, limiting the flexibility of staff movements and contributing to potentially high operational, financial and managerial risks in the field of peacekeeping. Such streamlined arrangements were therefore critical to strengthening organizational effectiveness; integrating field staff into a global, versatile and mobile workforce able to fulfil complex and diverse mandates; eliminating barriers and inequities in the treatment and movement of staff; streamlining administrative processes; facilitating the development and implementation of enterprise resource planning; and enhancing transparency, responsibility and accountability. The annual cost of the Secretary-General's proposals for streamlined contractual arrangements was estimated to be $23.7 million.

7. In addition, within six months of a decision by the General Assembly to adopt the Secretary-General's proposals on conditions of service, amended Staff Regulations would be introduced; new Staff Rules would be promulgated provisionally and reported to the General Assembly at its sixty-third session; staff holding appointments under the 100, 200 and 300 series would be reviewed for new appointments; family mission designations would be harmonized; and rest and recuperation travel would be introduced at all eligible duty stations. Furthermore, within 12 months of such a decision, the new Staff Rules, together with any modifications and/or deletions by the General Assembly, would be promulgated; a review would be initiated to consider staff members' eligibility for permanent appointments; non-family mission designations would be introduced; and the special operations approach would be applied. The annual cost of the Secretary-General's proposals on conditions of service was estimated to be $199 million: $88.7 million for the designation of family and non-family duty stations; $13.6 million for the introduction of rest and recuperation travel; and $96.7 million for the special operations approach.

8. **Ms. Lute** (Assistant Secretary-General for Field Support), speaking as Officer-in-Charge of the Department of Field Support, emphasized that it was important to take into account the special context of peacekeeping and operations in the field. The wide variety of such operations demanded a high degree of professionalism, mobility and flexibility, particularly with respect to personnel matters. Peacekeeping operations were evolving at a rapid pace in increasingly dangerous, complex and austere environments. Such operations could no longer be seen as a temporary phenomenon but must be recognized as core activities which relied on professional staff able to move quickly and operate effectively in a wide variety of career fields. The changing nature of field operations also required a change in human resource requirements. Accordingly, the United Nations must adjust its contractual arrangements regarding the recruitment of staff and their conditions of service.

9. The need to implement the proposed reforms was clear from the persistently high vacancy and turnover rates, particularly of Professional staff. As a result, peacekeeping operations continued to rely on inexperienced staff: nearly 60 per cent of Professional staff in the Department of Field Support had less than two years of experience in the field and 44 per cent had less than one year.

10. There was also increased competition in the international market for the very best staff. In many cases the Department was competing with other United Nations offices for those staff, particularly in critical areas. The Department was also unable to make optimal use of its national staff, who occupied roughly two-thirds of its 25,000 posts in the field.

11. Human resources management reforms had been on the Committee's agenda for a number of years: the most recent round of discussions on contractual reforms had begun in 2004; and reform of the Field Service category had first been considered in the 2000 report of the Panel on United Nations Peace Operations (A/55/305-S/2000/809). Since 2006, The Department of Field Support had been working on a comprehensive package to bring contracts and conditions of service together in a coherent, rationalized proposal in order to meet its operational needs in the field.

12. It was important to implement the proposed human resources reforms to signal to peacekeeping staff in the field that the United Nations valued them as

its greatest asset for the success of peacekeeping operations. In that context, the following issues relating to United Nations peacekeepers needed to be addressed: only 288 Field Service staff members out of 25,000 had career appointments in peacekeeping; only 30 per cent of peacekeepers were women; 90 per cent of peacekeeping staff in the field served in non-family duty stations, whereas nearly 55 per cent of them in fact had families; 88 per cent of peacekeepers had contracts of only one year or less; and peacekeepers spent an average of 4.8 years in peacekeeping activities, often on at least five short-term contracts. The United Nations needed to do better. In order to succeed it must amend conditions of service for peacekeepers and work harder to attract the best professionals to the special challenges of peacekeeping.

13. For its part, the Department of Field Support had acquired a good understanding of its requirements for operations in the field: 50 per cent of the peacekeepers that it required should be in logistics and operational support; 25 per cent should be in political, legal and related fields; and 25 per cent should be in administration. Furthermore, in addition to the need for more junior Professionals in the field, the Department particularly needed more Professionals in the field with good management experience. At the same time, the Department also recognized that it must do better in such areas as the development of workforce planning and job descriptions.

14. **Mr. Rhodes** (Chairman of the International Civil Service Commission), introducing the addendum to the report of the International Civil Service Commission for the year 2006 (A/61/30/Add.1), said that the Commission had taken note of the Secretary-General's revised proposals for streamlining contractual arrangements within the United Nations Secretariat. Those revised proposals, contained in the Secretary-General's report on contractual arrangements (A/62/274), had taken into account most of the comments made by the Commission on the previous proposal (A/61/857). The Commission, together with representatives and staff of the United Nations common system, had devoted a significant amount of time and effort to producing the agreed framework for contractual arrangements in the organizations of the United Nations common system (A/60/30, annex IV). The Commission was therefore pleased to note that its comments had largely been taken into account in the Secretary-General's reports and that his revised proposals were broadly in conformity with that framework.

15. Nevertheless, the Commission wished to draw attention to the following three key differences. First, the Secretary-General's report had proposed that temporary appointments might be renewed for an additional year in the field, where warranted by operational needs. However, in the view of ICSC, fixed-term appointments were the most appropriate contractual tool whenever it was known in advance that the needs for services would extend beyond one year. A second year extension of a temporary appointment, which would be contrary to the spirit and intent of the framework, should therefore be used only where clearly specified in the relevant Staff Rules that still needed to be drawn up to accommodate the new framework.

16. Second, the Secretary-General's report had proposed to maintain the provision whereby fixed-term appointments might be renewed or extended to cover a maximum period of five years. However, the Commission was of the view that there could be no such maximum period and that fixed-term appointments might be granted or renewed for periods of anything between one year and five years at a time, with no limit as to the number of years an individual could be engaged on fixed-term appointments. That issue had also led the Secretary-General to conclude that a staff member who had completed a fixed-term appointment of five years should be considered for conversion to a continuing appointment. However, the Commission believed that the General Assembly and other governing bodies should determine the proportion of continuing appointments relative to fixed-term appointments as a function of the mandates and financing of an organization's programme requirements. The Commission had not recommended any automatic conversion of fixed-term appointments to continuing appointments. Whatever decision the General Assembly took in respect of the Secretary-General's proposal would be closely examined by the other organizations, funds and programmes whose representatives had been involved with ICSC in producing the contractual framework.

17. Third, it had been stated that candidates who successfully passed national competitive examinations should be eligible for consideration for a continuing appointment after five years of satisfactory service, in

the same manner as all other United Nations staff. However, the Commission was of the view that such candidates should be eligible for consideration for a continuing appointment after a period of only two years, in line with the current practice of two-year probationary appointments. Considering their positive impact on gender balance and geographical distribution, national competitive examinations were a useful tool for selecting the best qualified candidates from Member States for core career positions at the P-2/P-3 levels.

18. With respect to contractual arrangements, the Commission reiterated its position that the contractual framework reflected current best practices, providing the necessary degree of operational and administrative flexibility to meet the needs of a modern, global international civil service. In that connection, he recalled that, pursuant to its statute, the Commission existed for the regulation and coordination of the conditions of service of the United Nations common system.

19. With regard to the criteria for designating a non-family duty station, which by definition were the most difficult to serve in, the Commission had proposed that the United Nations should harmonize its practices with those of other organizations. Staff rest and recuperation should also be harmonized with the major field-based United Nations organizations. Furthermore, the United Nations should adopt the special operations approach, which had worked well at other organizations. Accordingly, staff members would not be assigned to non-family duty stations but rather to a nearby location with the necessary infrastructure and basic security conditions to allow for the installation of their families. Staff members could then proceed on mission status from that nearby location to the non-family locations where their services were required.

20. Finally, the Commission had proposed the discontinuation of the use of short-term appointments in non-family duty stations under the 300 series of the Staff Rules. While that recommendation had merits of its own, it should be seen in conjunction with the Secretary-General's proposal to introduce a single series of Staff Rules to replace the present 100, 200 and 300 series. In the event that the Secretary-General's proposal was approved, the ICSC recommendation would be moot. However, if that was not the case the ICSC recommendation should stand.

21. In making those recommendations, the Commission had adopted the conclusions of a working group, including ICSC members, representatives of United Nations organizations and staff federations and staff members of the ICSC secretariat. The recommendations had sought, first and foremost, to preserve and safeguard the common system in the most cost-effective way; to harmonize the treatment of staff at hardship duty stations; to resolve problems of recruitment, reassignment and retention of staff; and to favour, through the adoption of best practices, the inter-agency mobility of key staff in particularly difficult duty stations. The adoption of those recommendations should facilitate the redeployment of civilian peacekeeping staff within any given theatre of operations, as and when required, in order to meet the challenges faced by the United Nations.

22. **Ms. McLurg** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related reported of the Advisory Committee (A/62/7/Add.14), said that the Advisory Committee and the General Assembly were considering major personnel proposals outside the usual general review of human resources management issues carried out at non-budget sessions. The Advisory Committee had therefore recommended that decisions on a number of issues should be deferred to the sixty-third session, when they could be considered in the context of the general review.

23. In considering the interrelated proposals on streamlining contractual arrangements, harmonization of conditions of service and the civilian career peacekeeping cadre, the Advisory Committee had sought to take a holistic view, keeping in mind the problems that the Secretary-General was attempting to address with his reform proposals. They included problems with staff retention in peacekeeping operations; differing conditions of service for staff; the inability, under the current arrangements, to move staff from mission to mission as operational requirements changed; the complexity of administering the current contractual framework; and the need to offer staff in peace operations a career development path.

24. In the Advisory Committee's view, the Secretary-General's proposal for streamlining contractual arrangements represented a fundamental change that addressed many of those problems. The Advisory Committee, subject to its specific recommendations and observations on fixed-term and continuing

appointments, was therefore recommending approval of the proposal to streamline contractual arrangements under one set of Staff Rules. That measure, together with the elimination of mission-specific appointments, the granting of continuing appointments for staff working in peace operations and on projects, and implementation of the Advisory Committee's recommendations on conditions of service, would do much to facilitate staff mobility, promote career development for all staff and foster the development of a truly global workforce that could be managed flexibly to meet operational and organizational needs.

25. The Advisory Committee recommended approval of the harmonization of the designation of duty stations as family or non-family in accordance with the security phase decided by the Department of Safety and Security, as well as the proposal to replace the occasional recuperation break with rest and recuperation travel, and requested that updated projections of the financial implications should be provided to the General Assembly. The Advisory Committee recommended, however, that the Assembly should defer consideration of the introduction of the special operations approach for non-family missions in order to allow sufficient time for the improvements associated with the implementation of streamlined contractual arrangements to take effect.

26. The Advisory Committee did not recommend the establishment of the proposed cadre of 2,500 career civilian peacekeepers. With the introduction of a single United Nations contract and the elimination of mission-specific appointments, as well as the possibility of consideration for continuing contracts, the international staff of peace operations would become part of the global workforce, with the same mobility requirements and career development prospects as the rest of the Secretariat.

27. **Mr. Hunte** (Antigua and Barbuda), speaking on behalf of the Group of 77 and China, said that the Group supported the Secretary-General's efforts to continue the transformation of human resources management in order to continue preparing the staff to be better equipped to face current challenges, which were more complex than those of the past.

28. The efficient and effective implementation of United Nations mandates hinged on the quality of its staff and the availability of resources. Ensuring the well-being of all international civil servants was of the utmost importance, and the Group of 77 and China therefore supported all reform measures aimed at establishing a satisfied, vibrant and dynamic workforce for the Organization.

29. The reform of human resources management should be accomplished through the joint and constructive work of the management, the staff and Member States. It was extremely important to engage staff representatives by conducting full and complete consultations.

30. The Secretary-General had presented Member States with elements for a new human resources framework since the issuance of his report entitled "Investing in people" (A/61/255), and had offered detailed proposals on the streamlining of contractual arrangements. The Group welcomed the work already done by ICSC in relation to the common system. The Staff-Management Coordination Committee had already given its support to the proposals.

31. The proposal for the streamlining of contracts would offer increased job security and equity of treatment of staff and the Group therefore supported the Secretary-General's recommendation to have one set of Staff Rules for all categories of staff, including locally recruited mission staff.

32. The Group had long supported for harmonization of conditions of service, as called for in General Assembly resolution 59/266 and Member States were now ready to act.

33. The Group supported the recommendations of ICSC for a scheme that would put all international staff on an equal footing and improve conditions of service in the field in order to make work at the Organization more appealing and rewarding.

34. Every reform was a work in progress that benefited from lessons learned as much as from clear and responsible leadership. In that regard, the Group would like to receive information on the status of the appointment of the Assistant Secretary-General for Human Resources Management, and to request that the position should be filled as a matter of priority.

35. It was imperative to have a proper framework for consultations with staff representatives on all human resources management reforms. The Group also looked forward to hearing the views of staff representatives on the various proposals now before the Committee.

36. **Ms. Simkić** (Slovenia) speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Armenia, Georgia, Moldova and Ukraine, said that the European Union fully supported the reform of human resources management at the United Nations. A well run workforce with high morale would deliver a more effective United Nations and represent better value for money.

37. The General Assembly, in its resolution 61/244, had noted the need for rationalization of the current system of contractual arrangements, which had grown up over the years without a clear vision of managing the changed realities of a modern, expanded and more field-oriented Secretariat. The proposal to simplify the many different types of contract at the United Nations responded to the need to make the system more transparent and easier to administer and to enhance staff morale. The European Union welcomed that overall objective and stood ready to continue to engage constructively to ensure that any new system met the needs of the Organization and its staff.

38. Staff retention made an important contribution to the healthy running of the Organization, particularly in the field, as high vacancy and turnover rates caused disruption to the good management of field missions. She looked forward to consideration of the benefits that harmonizing conditions of service in the field could bring. In view of the high costs involved, updated figures should be submitted as soon as possible.

39. **Ms. Banks** (New Zealand), speaking on behalf of the delegations of Canada, Australia, and New Zealand (CANZ), said that they were long-standing supporters of the reform of human resources management. Reform should be practical and meaningful, and designed to benefit the Organization as a whole as well as individual staff members. Reform was a long-term and ongoing process, reflecting the changing nature of the United Nations. Member States had requested the Secretary-General at the 2005 World Summit to make proposals on the measures necessary for him to carry out his managerial responsibilities effectively, including in the area of human resources. Detailed proposals were now before the Committee, and the Advisory Committee's report provided a good basis for discussion.

40. She supported the concept of a streamlined contracts regime, with one set of Staff Rules. The proposal was ready for implementation, pending the receipt of more precise details, including the budgetary implications. Establishing a simplified and more transparent and effective contractual system requiring less administration would bring significant benefits to the Organization. It would strengthen the ability of the United Nations to recruit and retain personnel. The General Assembly's recent agreement on a new system of internal justice, which improved staff members' opportunities for redress, was an important prerequisite for the reform.

41. ICSC and the Advisory Committee had provided valuable guidance on contracts. Progress on temporary and fixed-term appointments would be a worthwhile and important step forward. Some aspects remained to be clarified, such as the process of conversion to continuing appointments, the question of a ceiling on the number of continuing appointments, and the ongoing review of functions and the termination process. Assurance was needed that the plans were workable, effective and fair. Those issues could be resolved at the current resumed session with a concerted effort.

42. Conditions of service in the field should also be improved in order to meet the needs of an increasingly field-based Organization. Although it was a complex issue, the Advisory Committee had provided a good starting point for the discussion.

43. The CANZ delegations supported the principle of a core staff to meet the needs of United Nations peace operations — the streamlining of contracts would address that need. They supported a focused and practical approach to human resources management, and the setting of a clear direction for future efforts.

44. The CANZ delegations appreciated the strong and ongoing commitment of the Secretary-General to human resources management reform, and encouraged him to continue his efforts to improve the Organization's management of its human resources.

45. **Mr. Gürber** (Switzerland) said that the reform of human resources management was a major step forward in improving the capacity of the United Nations to fulfil its diverse mandates effectively and efficiently. He hoped that the Committee would take a decision on contractual arrangements without further delay. There was a need for objective discussion of the

other outstanding issues, especially of harmonizing conditions of service and the proposed cadre of 2,500 civilian peacekeepers.

46. The Secretary-General's proposal for streamlining contractual arrangements represented a fundamental change and would provide conditions of service offering increased job security and equal treatment of staff. The proposed introduction of one set of Staff Rules was a reasonable way to simplify the contractual framework, to reduce the administrative burden, and to enhance transparency for staff members in the interest of developing a more flexible and multi-skilled workforce.

47. His delegation shared the view of the Advisory Committee and ICSC that conversion of continuing appointments should not be automatic. The number of conversions should be limited to improve the selection of staff. Clear criteria for conversion should be defined with objective assessment of performance and fair selection procedures. Simplicity, transparency and legal certainty were important for staff both at Headquarters and in the field.

48. As recommended by the Advisory Committee, streamlined contractual arrangements should be introduced. However, in order to ensure budgetary discipline and cost-effectiveness the introduction of the other proposed measures should be deferred until the improvements expected to result from streamlined contractual arrangements had materialized.

49. New contractual arrangements, together with other human resources reform initiatives, would considerably strengthen the Organization's ability to recruit and retain staff with high moral and professional standards, and thus to meet the existing and changing demand for human resources.

50. **Mr. Scanlon** (United States of America) said that the 2005 World Summit outcome document had established a framework for reform of human resources management. The Secretary-General had subsequently issued a series of reports proposing changes in a wide range of human resources management practices. His delegation wholeheartedly supported the effort to improve the way the United Nations managed its most important resource, its staff.

51. The reform measures merited close attention. He looked forward to working with other delegations to bring about meaningful improvements in the way the United Nations managed its workforce.

52. Proposals for streamlining United Nations contractual arrangements included reducing the number of contract mechanisms by which staff were hired, and revising the corresponding Staff Rules. The new system would have just three types of appointments: temporary, fixed-term, and continuing. While that was feasible, any decision to implement the streamlined arrangement must take into account the effectiveness of such measures in achieving the reform objectives and the costs involved.

53. With regard to temporary appointments, he supported the Advisory Committee's recommendation for approval of the proposals contained in the Secretary-General's report on contractual arrangements (A/62/274), although it might be appropriate to subject such temporary appointments to a probationary period.

54. Regarding fixed-term appointments, he supported the Secretary-General's proposal that contracts of international staff serving in peacekeeping operations should no longer be limited to a specific mission. With respect to the extension of international staff on fixed-term contracts, he supported the Advisory Committee's recommendation (A/62/7/Add.14, para. 9) that international staff on fixed-term appointments in peacekeeping operations who demonstrated the highest standards of efficiency, competence, and integrity could be granted extensions when there was a justified need for the continuation of their services.

55. He did not concur with the Secretary-General's proposal to establish a cadre of 2,500 career civilian peacekeepers. The need for such staff could be met through implementation of the new contractual framework and other steps, such as the elimination of mission-specific appointments.

56. The proposal for continuing appointments raised a number of issues, including what positions such appointments should be available for and whether there should be a cap on the number of conversions. Its delegation had serious concerns about the proposal to offer continuing appointments automatically after five years of service with a satisfactory performance appraisal.

57. The Secretary-General had reported on a number of other human resources management issues, including the harmonization of conditions of service.

However, as the Advisory Committee pointed out in its report, the elements of harmonization were complex and in need of further elaboration.

58. His delegation looked forward to real progress on human resources management reform. The resumed session was the appropriate time to tackle those issues. He hoped that additional information would be provided on the more complex issues between now and the sixty-third session, thus enhancing the chances for progress later in the year.

59. **Mr. Shen** Yanjie (China) expressed concern that the number of incumbents of senior and decision-making posts in the Secretariat from developing countries was decreasing each year and that the overall distribution in the Secretariat was imbalanced. However, the many retirements that would take place over the next five years, some 1,900 staff members, representing about 15.8 per cent of existing staff, offered an excellent opportunity to improve the situation. Over the past year the number of underrepresented Member States had increased from 11 to 19. At the same time, candidates who were on the roster after passing national competitive examinations had to wait a long time to be recruited. He urged the Secretariat to study appropriate measures to solve those problems.

60. Fostering and maintaining a culture of ethics, integrity and accountability in the United Nations system was an important element of the human resources management reform. During its first full year of operation, the Ethics Office had provided a variety of services, including standard-setting and the provision of training, education, outreach, advice and guidance, and administering of the Organization's financial disclosure programme. It had met the growing demand for ethics services, receiving requests from a wide range of duty stations and offices and from staff at different grade levels. It was important to strengthen the integrity training programme and the cooperation of the Ethics Office with other offices and with United Nations agencies, especially its relationship with the Office of the Ombudsman. As for the proposal to broaden the jurisdiction of the Ethics Office to cover all United Nations system entities, he would like to hear the views of ICSC and to receive details of the budgetary and programmatic implications.

61. Mobility was an important element in enabling the Secretariat to conduct its activities with a cadre of multi-skilled and experienced international civil servants. In implementing mobility requirements it was essential to abide by the principles of equity, fairness and transparency, and stakeholders should be given appropriate means to express their concerns. It was also essential to create a mechanism to protect the rights and interests of the staff. As a basic principle, mobility should improve efficiency.

62. He took note of the Secretary-General's reports on streamlining contractual arrangements and harmonizing conditions of service. Streamlining contracts would increase mobility and improve efficiency, in keeping with the overall thrust of human resources reform. However, it was quite likely that transitional problems would arise, and Member States should therefore take a cautious and incremental approach.

63. It was very important that the new human resources framework should harmonize the conditions of service of field staff with the staff of the funds and programmes and improve conditions of service for all staff in the field. Such harmonization would help to attract and retain talent in the United Nations common system.

64. With regard to field missions, a stable human resources strategy was essential for United Nations peacekeeping operations. He commended the Secretariat's efforts to bring about reform. The establishment of 2,500 posts for civilian career peacekeepers would help to meet human resources needs in peacekeeping operations in the twenty-first century. The budgetary implications must, of course, be taken into account. The principles of openness, fairness, equality and transparency in terms of grades, geographical representation, gender and recruitment procedures must be observed in the recruitment process.

65. **Mr. Kovalenko** (Russian Federation) said that his delegation would judge the merit of all the Secretary-General's current and future human resources proposals on the basis of their ability to improve efficiency, to meet the Organization's need for qualified staff, to ensure that the Secretariat operated effectively, and to remain in step with Member States' financial means. Generally, he was disappointed that the proposals in question were being discussed in isolation, outside the overall context of human resources management policy, including the concept of

the international civil service and the staff selection system.

66. More specifically, he was concerned by some of the proposals relating to conditions of service, including the prospect of substantially increasing the compensation package for civilian peacekeeping staff to align it with that of staff of the United Nations funds and programmes. The reasons cited for establishing career peacekeeping positions were of doubtful validity, making little sense from the financial point of view or from the point of view of efficient and effective human resources management. Furthermore, introducing one United Nations staff contract would be likely to result in almost universal quasi-permanent contracts, such as the new continuing contracts, and the de facto elimination of fixed-term contracts, which would be superseded by long-term probation leading to a continuing contract. Such policies ran counter to the idea of establishing a flexible and efficient human resources policy suited to the rapid and substantial changes in the Organization's mandates and personnel requirements.

67. Because of its serious doubts as to the need for continuing or quasi-permanent contracts, his delegation also saw substantial drawbacks in the alternative approach of simply placing a ceiling on such contracts. In practice, the consequence would be inequality between staff members performing identical functions, but, because some had fixed-term contracts and others continuing contracts, with differing job security. Moreover, continuing contracts, by definition more secure, would not promote improved performance or personal fulfilment, as staff would not have to demonstrate constantly their professional aptitude and usefulness to the Organization. Another alternative approach, offering the option to terminate continuing contracts "in the interest of the good administration of the Organization", was ill-defined, and would open the way to possible abuse by managers and to multiple complaints and tribunal cases. His delegation urged the Committee to give serious thought to the advantages of establishing only two types of contract: temporary and fixed-term. Staff would no longer be placed in a position of inequality; contract arrangements would be simplified and easier to understand, and staff would be kept agile, productive and accountable by the knowledge that good performance would result in contract renewal. Existing imbalances in the system could be offset by termination payments.

68. The proposal to harmonize compensation packages in non-family duty stations was costly and not well founded, having failed to take into account how many of the staff working in the field belonged to each of the various organizations. As the International Civil Service Commission had unfortunately not suggested any way of regulating the package for non-family duty stations at the common system level, there was no formal basis for harmonizing the conditions of service of peacekeeping personnel with those of the staff of the funds and programmes. "Harmonization" appeared to be confined to aligning the United Nations compensation package with that of the funds and programmes, as no attempt had been made to limit or restrict future improvements in the conditions of service in the field for those entities, which might choose not to adhere to the recommendations of the International Civil Service Commission. The risk was that, if the United Nations pursued the logic of harmonization, there would be constant escalation and inflation in staff costs.

69. Having examined the proposed introduction of the special operations approach, his delegation expressed great reticence, considering that the approach would entail groundless duplication of compensation. Unless and until the compensation package for non-family duty stations was part of the common system arrangements, with decisions of the General Assembly becoming binding for all members of the system, it would be impossible to speak of any genuine harmonization of conditions of service.

70. **Mr. Kishimoto** (Japan) said that, as the General Assembly had affirmed in its resolution 61/244 on human resources management, reform was needed to enable the Organization to respond more effectively to new and increasingly complex mandates, to support increasingly field-based activities and to ensure coherence among United Nations entities. Structural change in the area of human resources would directly affect the staff and how they worked. The recategorization of staff resulting from alterations to contractual arrangements would have significant and long-lived administrative and budgetary implications for the United Nations system as a whole. As any changes made would be difficult to revise or reverse, his delegation believed in proceeding with caution by identifying specific issues to address and specific measures to solve them.

71. Turning to the proposed harmonization of conditions of service, he said that permanent contracts could no longer be considered major tools for United Nations entities implementing dynamic and changeable mandates. Promoting equality of treatment for all Secretariat staff required a framework taking into account the needs of all United Nations bodies, to serve as a model for all of them and to provide for coherence and inter-agency mobility throughout the common system. It was vital to define the core staff who would receive continuing appointments on the basis of centrally managed, rigorous procedures which enabled staff performance and the need for a particular function to be reviewed. In line with the recommendations of the International Civil Service Commission, the General Assembly should consider setting a ceiling on such appointments, taking into account their financial and long-term implications. The authority to grant continuing appointments should not be handed over to programme managers who were not in a position to consider the long-term interests of the Organization. The proposal to establish civilian career peacekeepers through a competitive process was a possible way to define core staff.

72. In the case of regular budget posts, the national competitive examination was the established means of recruiting qualified core staff with long-term career positions in the Organization. Believing that the proposed contractual arrangements must not undermine the current national competitive examination with its rigorous, objective, fair and competitive screening process, his delegation would not accept elimination of the contractual status acquired by successful candidates under the current system. The varied and precise needs of peacekeeping missions were met by mission-specific contracts, which facilitated the task of liquidating operations in the field, provided a useful method of screening qualified staff for further job opportunities in other peacekeeping operations and avoided the creation of undue expectations of long-tem employment, particularly in the case of clearly finite mandates.

73. The proposals made in the addendum to the report of the International Civil Service Commission for the year 2006 (A/61/30/Add.1) referred clearly to the streamlining of contractual arrangements, but did not describe what changes to conditions of service would be required. If peace operation duty stations were designated by security phase, the Secretariat should make clear what entitlements would accompany temporary appointments, fixed-term appointments and continuing appointments, and what allowances staff would receive in family and non-family duty stations. His delegation concurred with the recommendations of the Advisory Committee on the application of the special operations approach to peace operations and emphasized that peace operations staff were not comparable to the staff of United Nations funds and programmes. While international staff in funds and programmes were subject to a rotation policy which was part of a long-term strategy, peace operations staff were employed to carry out mandates of finite duration at specific times and locations.

74. With a view to achieving the best possible outcome in a very limited time, efforts should be made at the resumed session to identify common ground, so that progress could be made before the main part of the sixty-third session, at which the Committee would intensively discuss human resources management matters.

75. **Mr. Fermín** (Dominican Republic), speaking on behalf of the Rio Group, said that his group supported the general thrust of the proposal of the Secretary-General.

Other matters

76. **The Chairman** said that, in response to the request made by a number of delegations at the Committee's 27th meeting, the Chef de Cabinet of the Secretary-General would provide an oral and written explanation of the appointment of Mr. Edward Luck as Special Adviser to the Secretary-General.

77. **Mr. Nambiar** (Chef de Cabinet, Executive Office of the Secretary-General) said that senior officials of the Executive Office of the Secretary-General had discussed the appointment of Edward Luck as Special Adviser with several representative Non-Aligned Movement and other permanent representatives. At those meetings, the senior officials had explained the background to the Secretary-General's intention to make the appointment.

78. Based on the explanations received during those discussions, including discussions attended by the Chairman of the Coordinating Bureau of the Non-Aligned Movement, the senior officials had understood that the General Assembly had not specifically rejected any proposal by the Secretary-General to appoint Mr. Luck. The permanent representatives had expressed

reticence over the "concept" of the "responsibility to protect", arguing that there was no consensus on the matter. However, in their view, there would be no difficulty as long as the Secretary-General appointed Mr. Luck as his "Special Adviser", being perfectly within his rights to make such an appointment independently. If the appointment was on a pro bono or $1 per annum basis, there would be no need for budgetary approval. The appointment would be a temporary one, covering an interim arrangement. Any expenditure involved would be met from voluntary resources.

79. On the question of mandates, the permanent representatives consulted had been prepared to agree that such a Special Adviser's work could include examination of how to further the ideas contained in paragraphs 138 and 139 of the 2005 World Summit Outcome adopted by the General Assembly in its resolution 60/1. Once they had been crystallized and given concrete form, such efforts at operationalizing the ideas contained in the paragraphs concerned should be discussed with the general body of Member States and eventually considered within the framework of the General Assembly, as the best way of avoiding any unease among the Member States and addressing their manifold concerns regarding the conceptual range and application, and the practical implications, of those ideas.

80. Before publicizing the appointment, the Executive Office of the Secretary-General had taken care to consult concerned permanent representatives of the Non-Aligned Movement and of other Member States. Consultation had covered both the manner of a public announcement and the details of the announcement, including its wording. The official spokesperson had proceeded only after the Executive Office of the Secretary-General had received assent. It was true, however, that there was an error in the title of the position in the publicity material relating to the appointment. An apology for the error had been made, and the error had been corrected.

81. Pro bono or $1 per annum appointments were made by the Secretary-General in exceptional cases. Mr. Luck's appointment was one such case. In that connection, attention was drawn to resolution 51/226, section II, paragraph 5, in which the General Assembly:

> "*Requests* the Secretary-General to announce all vacancies so as to give equal opportunity to all qualified staff and to encourage mobility, it being understood that the discretionary power of the Secretary-General of appointment and promotion outside the established procedures should be limited to his Executive Office and the under-secretary-general and assistant secretary-general levels, as well as special envoys at all levels."

82. The Executive Office of the Secretary-General understood that a large number of such appointments had been made by previous Secretaries-General and by the current Secretary-General. For many of those appointments, General Assembly approval had been neither required nor sought.

83. **Mr. Berti Oliva** (Cuba) said that he wished to repeat the assertion made by his delegation at the previous meeting that the General Assembly had not decided on the concept of the responsibility to protect. The matter remained to be clarified in the context of paragraphs 138 and 139 of the 2005 World Summit Outcome at a point in time to be determined by the General Assembly.

84. His delegation would examine the information provided by the Chef de Cabinet of the Secretary-General, being well aware that the Permanent Representative of Cuba had attended the meetings described, in his capacity as the current Chairman of the Coordinating Bureau of the Non-Aligned Movement, and being well aware of the agreements reached at those meetings.

85. He welcomed the acknowledgment of errors in the presentation of the post of Special Adviser. While the press release had clearly described Mr. Luck's functions and clearly indicated that he would be a special adviser whose work would "focus" on "the responsibility to protect", the title issued at the Spokesperson's midday briefing one day previously, on 11 December 2007, had been "Special Adviser on Responsibility to Protect".

86. In his view, not only should the version of the title provided at the briefing be corrected, but Mr. Luck himself should be informed of the correct version of his title so that he avoided the phrase "on the responsibility to protect", used even before his appointment to announce speaking appearances at a

conference in Bangkok in February 2008 and at an academic institution in New York City in March 2008.

87. His delegation would devote the closest possible attention to the information provided, to its administrative and budgetary implications, and to General Assembly resolution 51/226. While it was pleased that the representatives of the Non-Aligned Movement had been consulted on the appointment, there was an established procedure for appointing special representatives.

88. **Mr. Rosales Díaz** (Nicaragua) said that the information just provided by the Chef de Cabinet of the Secretary-General clearly indicated a failure to adhere to the rules of procedure of the General Assembly. However representative the individuals consulted by the Secretariat might have been, and regardless of the role of the delegation currently chairing the Coordinating Bureau of the of Non-Aligned Movement in drawing attention to the appointment of Mr. Luck at the previous meeting of the Committee, consultation of a group of Member State representatives was no substitute for consultation of all the Member States, and could not supplant the role and responsibilities of the Fifth Committee and the General Assembly.

89. While the General Assembly, in its resolution 51/226, had established the authority to make appointments at the Under-Secretary-General and Assistant Secretary-General levels, it had not attributed to the Secretariat or any individual within it the ability to create posts, which remained the exclusive prerogative of the General Assembly. Nobody disputed the discretionary power of the Secretary-General to make appointments, following consultation, at the levels described. The problem in the current instance was the creation of a post that the Fifth Committee had decided not to establish when it had discussed the programme budget for the biennium.

90. His delegation was not satisfied with the explanation that General Assembly approval had not been sought in the current case because it had not been sought in the past. If approval had not been required, he wished to know why the Committee had had before it a report of the Secretary-General requesting the establishment of the post concerned at the Assistant Secretary-General level, and it had spent many hours discussing the matter.

91. He wished to reiterate that the representatives of the Member States in the General Assembly constituted the intergovernmental legislative body of the Organization and that the Secretariat had no such role. He could not understand why the Secretariat had seen fit to appoint an individual to a phantom post that did not exist while failing — for 10 months — to fill the post of Under-Secretary-General for Field Support which it had itself described as essential to maintaining unity of command in peacekeeping operations. It was equally baffling that the Fifth Committee should be discussing the reform of human resources management, which affected the staff who lay at the very heart of the Organization, at a time when the post of Assistant Secretary-General for Human Resources Management remained vacant.

92. **Mr. Alouan Kanafani** (Bolivarian Republic of Venezuela) said that the General Assembly was the sole body with the legislative mandate to authorize the establishment of such a high-level post. Although some delegations had been consulted on the appointment of the Special Adviser, others had the right to be kept informed about the establishment of such posts. In future, his delegation would seek to ensure that the mandate of the Assembly was fulfilled and prevent similar procedures for the appointment of high-level officials from being followed again.

93. **Mr. Afifi** (Egypt) said that the first issue under discussion was the appointment of the Special Adviser. His delegation appreciated the efforts of the Secretary-General to appoint qualified persons such as the Special Adviser. The other issue concerned the responsibility to protect itself, which was not accepted as a concept or principle by the General Assembly. The Special Adviser's role was to assist the General Assembly in its consideration of the issue rather than to promote the idea of the responsibility to protect.

94. **Mr. Sadouk** (Morocco) said that his delegation was astonished by the procedure used to appoint the Special Adviser, for which the Secretariat had no legislative mandate, since the General Assembly had not approved the establishment of the post. Consultations on such appointments must be inclusive and transparent and must fall under a legislative mandate. The General Assembly alone was responsible for charting the work of the Secretariat, but in fact had not yet adopted a definition of the responsibility to protect. Further discussion was needed to clearly define the concept, especially in the light of the importance and sensitivity of the Special Adviser's responsibilities. Dialogue and consultation among all

Member States were essential in reaching consensus on controversial matters.

95. **Mr. Abdelmannan** (Sudan) said that the statement by the Chef de Cabinet raised many serious questions. He took issue with the assertion that the General Assembly had not specifically rejected any proposal by the Secretary-General to appoint Mr. Luck, as the Secretary-General had not in fact submitted any such proposal to the Assembly. The Assembly had discussed the Secretary-General's intention to create the post of Special Adviser, not a proposal to appoint Mr. Luck. Furthermore, the Assembly had not reached any agreement on the establishment of the post. Had agreement been reached, it would have been within the Secretary-General's purview to appoint the current Special Adviser, to whom his delegation had no specific objection.

96. However, it was the prerogative of the General Assembly to create the post. For the Secretariat to consult some Member States only was unacceptable. Such consultations, outside the scope of the Assembly, enjoyed no official status. Furthermore, as those consultations had shown, there was no agreement, much less unanimity, on the concept of the responsibility to protect, the creation of the post or the appointment of a Special Adviser. The Secretary-General had decided to appoint a Special Adviser nevertheless.

97. His delegation would like clarification of the Chef de Cabinet's statement that the appointment of the Special Adviser would be a temporary one covering an interim arrangement. Details were needed of the length of the appointment. Furthermore, it was not clear how the Secretariat would correct the error made in the title of the press release referred to by the Chef de Cabinet. That must be done before the other errors concerning the appointment itself could be dealt with.

98. **Mr. Muhith** (Bangladesh) recalled that the Committee had engaged in extensive discussion of the Secretary-General's proposal to upgrade the post of Special Adviser on the Prevention of Genocide to the Under-Secretary-General level and on the change in his title to Special Adviser on the Prevention of Genocide and Mass Atrocities. It had also discussed at length his proposal to appoint a Special Adviser on the Responsibility to Protect. After intensive negotiations, it had only been decided to upgrade the position of the Special Adviser on the Prevention of Genocide to the level of Under-Secretary-General. Those negotiations had clearly demonstrated the importance which Member States attached to the legislative process established by the General Assembly. Consultations with Member States should not replace the legislative requirements regarding the appointment of high-level officials.

99. **Mr. Farooq** (Pakistan) said that the General Assembly was responsible for creating mandates and posts. Once it had done so, it was the Secretary-General's prerogative to make appointments to those posts. No informal process could substitute for consideration by the General Assembly. The Assembly had not reached any agreement on the establishment of the post of Special Adviser on the Responsibility to Protect and had yet to decide on the issue of the responsibility to protect itself, which was a politically sensitive issue involving intensive negotiations. His delegation attached great importance to transparency and efficiency with respect to appointments to high-level posts.

100. **Mr. Safaei** (Islamic Republic of Iran) said that the procedural issues raised concerning the respective prerogatives of the Secretary-General and the General Assembly were a matter of principle to his delegation. His delegation was astonished that the Secretary-General had neglected to consult the General Assembly on the post and chosen instead to hold discussions with certain representatives and that the Chef de Cabinet had defended such a procedure in his written statement.

101. **Mr. Nambiar** (Chef de Cabinet, Executive Office of the Secretary-General) said that he had taken careful note of the points raised. The idea of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity came from the 2005 World Summit Outcome, adopted by the General Assembly in its resolution 60/1 (paras. 138 and 139). The idea had therefore been accepted. Admittedly, there was no broad consensus on the details of the concept. From that perspective, the Secretary-General had sought to work towards a consensus and meet the concerns of the wide majority of the Member States while implementing those paragraphs of the Outcome.

102. There had been several instances in the past in which the Secretary-General had made pro bono appointments not involving budgetary processes formally approved by the General Assembly, including

the appointment of the Special Envoys on Climate Change, in order to promote discussion within the legislative bodies. It was in that spirit that he had appointed the Special Adviser. He appreciated the statements by many delegations that the Secretariat could not make appointments without a specific legislative mandate. He concurred with the statement by the representative of Cuba that the Secretariat should advise the incumbent on how he should refer to his post. His specific duties included increasing the degree of acceptance of the aforementioned paragraphs.

103. Concerning the delays in making appointments referred to by the representative of Nicaragua, there was an Officer-in-Charge overseeing the Department of Field Support. Although the issue of the appointment was clearly urgent, it had not interfered in any critical way with the functioning of the Department. Furthermore, the announcement of the appointment was imminent and the appointment would be made from among developing countries.

104. The representative of the Sudan was right to state that the 2007 discussions in the Assembly had not referred to Mr. Luck specifically but rather the post of the Special Adviser. The Secretary-General had made the appointment on the understanding, based on discussions with various delegations, that the General Assembly had not specifically rejected the proposal to create the post. He had proceeded with the appointment in order to build a sufficient amount of support within the General Assembly for a formal appointment which would meet the legislative requirements. The Secretariat was fully aware of the need for transparency in such matters and of substantially meeting the concerns of individual delegations in order to obtain a legislative mandate. In such a process, it was inevitable that the Secretariat should consult with individual States or groups of States before the matter was brought to the legislative body. The Secretariat had an obligation to work towards meeting the concerns expressed regarding the idea of the responsibility to protect as referred to in the 2005 World Summit Outcome.

105. **Mr. Abdelmannan** (Sudan) requested details of the term of office of the Special Adviser. He also requested a frank response concerning the error referred to by the Chef de Cabinet. It was not clear what the error involved, how it would be corrected or how the appointment should have proceeded. Moreover, although a description of the responsibility to protect could be found in the 2005 World Summit Outcome document, that did not mean that there was agreement on the term. The title in General Assembly resolution 60/1 "Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity" was merely an introduction to a subject which the Assembly intended to discuss. There easily might have been a title worded "Appointment of Mr. Luck as Special Adviser on the Responsibility to Protect", which could then have involved the acceptance or the rejection by the General Assembly of the appointment. But, the Secretary-General did not have the right to appoint a person to a post which had been discussed by the Assembly and rejected. Had he not brought the matter to the Assembly, he could have made the appointment. Once the appointment had been proposed and rejected, however, the discretionary power of the Secretary-General could no longer be cited, as the Secretary-General was not above the Assembly.

106. **Mr. Rosales Díaz** (Nicaragua) said that the Committee was not dealing with the merits of the responsibility to protect or calling into question the concept, which had already been approved and outlined in the 2005 World Summit Outcome, while pointing to the need to discuss the matter further within the General Assembly. Rather, it was addressing the establishment of a post in clear violation of the express wish of the Committee. The statement that there had been no rejection of the Secretary-General's proposal to establish a post suggested the need for the Committee in future to specifically decide not to authorize establishment of posts whenever it could not reach agreement. Clearly, the current working methods of the Committee, by which it simply took note of such disagreements, were not effective.

107. **Mr. Nambiar** (Chef de Cabinet, Executive Office of the Secretary-General) said that the error involved the identification of Mr. Luck as the "Special Adviser on Responsibility to Protect" in the title of the 21 February 2008 Department of Public Information press release on his appointment. The press release should have referred to his official title as "Special Adviser". Concerning the length of the temporary appointment, the Special Adviser should have the time to gather the necessary substantive ideas to push the discussion on paragraphs 138 and 139 forward and build consensus on the issue. That would take a few

months. It was for the Secretary-General to decide whether the process should be continued after a certain period of time. While he could not indicate exactly how many months it would take, the appointment was intended to be a temporary, interim arrangement. If the General Assembly were to accept the logic behind the appointment, the Secretariat could proceed within the framework of the budget proposals for special political missions, which would change the nature of the appointment.

The meeting rose at 12.55 p.m.